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10/668,953

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REMARKS

The undersigned requests a personal interview with the Examiner in charge of this application to discuss the issues raised below.

Claims 1, 3-9, 12, 13 and 15 were rejected as being unpatentable over Siebrandt 2,435,850 in view of Nunamaker 4,604,996, both of these references being cited for the first time.

Sibrandt discloses a splint with a guard in which the exposed ends of pins 9 are enclosed in a U-shaped member 16 held on by the use of screws 18.

Nunamaker shows an external skeletal fixator and was cited for "an end cap with pliable material filling the cavity and pins press-fitted in the pliable material", to quote the words of the Examiner.

In fact, what Nunamaker has is a cavity 53 into which the pins 60 terminate, and the cavity is then filled with a polymerizable organic fluid which is then "polymerized to the rigid organic state" (col. 5, lines 31-35). In any event, regardless of the consistency of the final state of the polymer, it can not be described in terms of the pins being press-fitted into the product.

In the present invention, the end cap is made of a compressible material (page 22, last paragraph of the specification) having a cavity filled with a pliable material (page 22, middle paragraph) that will accept the ends of the pins, that is, press-fitted (see page 23, first full paragraph). Neither reference suggests or teaches this feature.

In addition, the shape of applicant's cap is of particular significance, that of an oval with conically shaped ends terminating in flat surfaces (see Fig. 3 of the drawings). Neither reference has a configuration which even remotely resembles such a shape. As pointed out in the specification, page 21, last two lines, and page 22, lines 3-5, this configuration has particular advantages. The oval shape of the end cap is also discussed in page 16, under

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the objects of the invention. The shape is designed to reduce interference with the clothing of the user.

Claim 1 has been amended to recite in greater detail the novel features of this invention as pointed out above, including that each "end cap before mounting is a solid compressible member containing a filling of pliable material ready for press fitting onto said fixation pins". As noted earlier, this feature clearly distinguishes from Nunamaker. The claim now also gives more details of the shape of the cap which are not taught or suggested by any of the above references as noted above.

Claims 2-5, 7, 9-11, and 14-15 are canceled.

Claim 6 as amended defines the shape of the cavity.

Dependent claims 12 and 13 relate to the fact that the end caps of the present invention are available to be used in any size that is required. There is nothing in any of the art cited which even suggests such a configuration.

In view of the foregoing, it is believed that the claims in their present form distinguish clearly and patentably over the art of record and should be allowed.

The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



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Leonard Belkin